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EXAMINER

GODDARD, BRIAN D

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/056,702	Applicant(s) KOUZNETSOV ET AL.	
	Examiner Brian Goddard	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26,29-40 and 43-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26,29-40 and 43-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9 August 2005 has been entered.

2. Claims 1-26, 29-40 and 43-54 are currently pending in this application. Claims 1, 12, 24 and 39 are independent claims. In the Amendment filed with the RCE of 9 August 2005, claims 27, 28, 41 and 42 were cancelled, and claims 1, 4, 7, 12, 24, 31, 35, 39 and 54 were amended. This action is non-final.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-2, 4-13, 15-23, 39-40, 44-51, and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,256,668 issued to Slivka et al. (hereafter Slivka '668) in view of U.S. Patent Application Publication No. 2002/0184619 by Meyerson (hereafter Meyerson '619), and further in view of U.S. Patent No. 5,974,454 to Apfel et al. (hereafter Apfel).

Claim 1:

Regarding Claim 1, Slivka '668 discloses: a system for providing a framework for network appliance management in a distributed computing environment (Slivka '668: Abstract), comprising:

- an appliance status table recording a status report periodically received from each of a plurality of network appliances, each status report containing health and status information and application-specific data of the each network appliance (Slivka '668: col. 2, Ins. 37-43; col. 3, Ins. 8-13; col. 3, Ins. 21-23 – note that inventory and version information reads on health, status, and application specific data); and
- a catalog server maintaining configuration settings for each network appliance progressively assembled concurrent to providing installable components (Slivka '668: col. 2, Ins. 42-44 – note the update service database of reads on a catalog server) and dynamically providing a catalog listing currently installable components for each network appliance based on the configuration settings (Slivka '668: col. 2, Ins. 44-52; col. 8, Ins. 2-5);
- wherein each network appliance, prior to sending the status report, executes at least one initial plug-in (Slivka '688: See Steps 62-66); and, after installing the installable components, executes at least one post-plug-in (Slivka '688: See Steps 94, 106-108 and col. 10, Ins. 13-24);
- wherein the at least one initial plug-in monitors the status update application to determine if the status update application is running, and restart the status

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update application if it is determined that the status update application is not running (Slivka '688: See Steps 62-66 & corresponding portion of description);

- wherein the catalog further includes installable component names and installable component versions (Slivka '688: col. 2, lns. 42-52).

However, Slivka '668 does not explicitly disclose that:

- the status report was from "a status daemon autonomously operating" on the network appliance;
- the information is "pertaining to autonomous configuration and management";
- the configuration settings are "independently received from the network appliance"; or
- the catalog further includes "a tag indicating a component server at which to locate and obtain each installable component, and a type indicator indicating whether each installable component is a package or a file."

Meyerson '619 discloses an intelligent update agent. Specifically, Meyerson '619 discloses:

- that the status report was from "a status daemon autonomously operating" on the network appliance (Meyerson '619: paras. [0022] and [0026] – note that the agent is completely automated and runs on the client machine and reads on an autonomously operating status daemon);
 - that the information is "pertaining to autonomous configuration and management" (Meyerson '619: paras. [0028] and [0029]; paras. [0033], [0034], and [0036]);
- and

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- that the configuration settings are "independently received from the network appliance" (Meyerson '619: paras. [0022] and [0026]).

Apfel discloses a software update agent similar to those of Slivka '688 and Meyerson '619. Specifically, Apfel discloses:

- a catalog server (Apfel: Database Server 80A) maintaining configuration settings for each network appliance and dynamically providing a catalog listing currently installable components...;
- wherein the catalog further comprises a tag indicating a component server at which to locate and obtain each installable component (Apfel: col. 2, lns. 35-51 and col. 6, ln. 63 et seq.), and a type indicator indicating whether each installable component is a package or a file (Apfel: col. 3, ln. 66 et seq. and col. 6, ln. 63 et seq.).

It would have been obvious to a person having ordinary skill in the art to replace the user initiated update of Slivka '668 with the autonomous intelligent update of the Meyerson '619 agent. The motivation to combine is suggested by Meyerson '619 which discloses the advantage that a class of updates that are critical to a machine need not rely on human interaction to initiate updates such as that of Slivka '668 (Meyerson '619: paras. [0011] and [0012]).

It would have been further obvious to one of ordinary skill in the art at the time the invention was made to add the tag indicating a component server and the type indicator of Apfel to the catalog of Slivka/Meyerson. The motivation to combine is

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suggested by Apfel which discloses the advantage of distributing server workload to maintain load balancing (Apfel: col. 6, ln. 63 – col. 7, ln. 4 and col. 7, ln. 21 et seq.).

Claims 2, 4, 7, and 10-11:

Regarding Claims 2, 4, 7, and 10-11, Slivka '668, Meyerson '619 and Apfel, in combination disclose all the limitations of Claim 1 (supra). Additionally, Slivka '668, Meyerson '619 and Apfel, in combination disclose:

- (Claim 2) a network operations center establishing a secure session with each network appliance (Slivka '688: col. 13, lns. 9-15; col. 2, lns. 65-67; col. 3, lns. 5-8);
- (Claim 4) wherein the currently installable components comprise at least one self-installable package, and the component server supplies the at least one package for installation responsive to a request from one such network appliance (Slivka '688: col. 13, lns. 6-8; col. 13, lns. 27-37);
- (Claim 7) wherein the installable components comprise at least one file, and the component server supplies the at least one file responsive to a request from one such network appliance (Slivka '688: col. 13, lns. 6-8; col. 13, lns. 27-37 – note the files comprising the installation read on at least one file);
- (Claim 10) a proxy component server staging the currently installable components for retrieval in a separate components database (Slivka '668: col. 5, lns. 28-37 – note the remote site reads on a staging proxy component server);
- (Claim 11) wherein the distributed computing environment is TCP/IP-compliant (Slivka '668: col. 6, lns. 26-28).

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Claims 5-6:

Regarding Claims 5-6, Slivka '668, Meyerson '619 and Apfel, in combination disclose all the limitations of Claim 4 (supra). Additionally, Slivka '668, Meyerson '619 and Apfel, in combination disclose:

- (Claim 5) a crypto module digitally signing the at least one package for the network operations center prior to being supplied for installation (Slivka '668: col. 17, Ins. 21-38);
- (Claim 6) a crypto module encrypting the at least one package prior to being supplied for installation (Slivka '668: col. 17, Ins. 21-45).

Claims 8-9:

Regarding Claims 8-9, Slivka '668, Meyerson '619 and Apfel, in combination disclose all the limitations of Claim 7 (supra). Additionally, Slivka '668, Meyerson '619 and Apfel, in combination disclose:

- (Claim 8) wherein the component server establishes a secure session prior to the at least one file being supplied for installation (Slivka '668: col. 13, Ins. 9-15; col. 2, Ins. 65-67; col. 3, Ins. 5-8);
- (Claim 9) a file information subdirectory specifying installation instructions for the at least one file in a pre-determined entry prior to the at least one file being supplied for installation (Slivka '668: col. 13, Ins. 38-45; col. 14, Ins. 15-42 – note the Media Directive File reads on installation instructions; further note the directory specification for setup.exe, i.e. the setup executable).

Claim 12:

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Claim 12 is rejected on substantially the same basis as claim 1 above. See the discussion regarding claim 1, as well as the portions of Slivka '688, Meyerson '619 and Apfel cited therein, for this disclosure.

Claims 13, 15, 18, and 21-22:

Regarding Claims 13, 15, 18, and 21-22, Slivka '668, Meyerson '619 and Apfel, in combination disclose all the limitations of Claim 12 (supra). Additionally, Slivka '668, Meyerson '619 and Apfel, in combination disclose:

- (Claim 13) establishing a secure session with each network appliance (Slivka '668: col. 13, Ins. 9-15; col. 2, Ins. 65-67; col. 3, Ins. 5-8);
- (Claim 15) wherein the currently installable components comprise at least one self-installable package, further comprising: supplying the at least one package for installation responsive to a request from one such network appliance (Slivka '668: col. 13, Ins. 6-8; col. 13, Ins. 27-37);
- (Claim 18) wherein the installable components comprise at least one file, further comprising: supplying the at least one file responsive to a request from one such network appliance (Slivka '668: col. 13, Ins. 6-8; col. 13, Ins. 27-37 – note the files comprising the installation read on at least one file);
- (Claim 21) staging the currently installable components for retrieval in a separate components database (Slivka '668: col. 5, Ins. 28-37 – note the remote site reads on a separate components database;
- (Claim 22) wherein the distributed computing environment is TCP/IP-compliant (Slivka '668: col. 6, Ins. 26-28).

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Claims 16-17:

Regarding Claims 16-17, Slivka '668, Meyerson '619 and Apfel, in combination disclose all the limitations of Claim 15 (supra). Additionally, Slivka '668, Meyerson '619 and Apfel, in combination disclose:

- (Claim 16) digitally signing the at least one package prior to being supplied for installation (Slivka '668: col. 17, Ins. 21-38);
- (Claim 17) encrypting the at least one package prior to being supplied for installation (Slivka '668: col. 17, Ins. 21-45).

Claims 19-20:

Regarding Claims 19-20, Slivka '668, Meyerson '619 and Apfel, in combination disclose all the limitations of Claim 18 (supra). Additionally, Slivka '668, Meyerson '619 and Apfel, in combination disclose:

- (Claim 19) establishing a secure session prior to the at least one file being supplied for installation (Slivka '668: col. 13, Ins. 9-15; col. 2, Ins. 65-67; col. 3, Ins. 5-8);
- (Claim 20) specifying installation instructions for the at least one file in a predetermined entry prior to the at least one file being supplied for installation (Slivka '668: col. 13, Ins. 38-45 – note the Media Directive File reads on installation instructions; further note the additional options and details for installation directives extensively detailed from col. 13, In. 38 to col. 17, In. 20).

Claim 23:

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Regarding Claims 23, Slivka '688, Meyerson '619 and Apfel, in combination disclose all the limitations of Claims 12, 13, 15, 16, 17, 18, 19, 20, 21, and 22 (supra). Additionally, Slivka '668, Meyerson '619 and Apfel, in combination disclose a computer-readable storage medium implementing the limitations of Claims 12, 13, 15, 16, 17, 18, 19, 20, 21, and 22 (Slivka '668: col. 19, Ins. 59-61). Slivka '668 does not disclose all the limitations of Claim 14, however Examiner notes Claim 23 was written in the alternative, thus Claim 23 with respect to Claim 14 need not be addressed.

Claim 39:

Claim 39 is rejected on substantially the same basis as claims 1 and 12 above. See the discussions regarding claims 1 and 11, as well as the portions of Slivka '688, Meyerson '619 and Apfel cited therein, for this disclosure.

Claims 40, 44, 49, and 53:

Regarding Claims 40, 44, 49, and 53, Slivka '688, Meyerson '619 and Apfel, in combination disclose all the limitations of Claim 39 (supra). Additionally, Slivka '688, Meyerson '619 and Apfel, in combination disclose:

- (Claim 40) negotiating a secure connection with the one such network appliance (Slivka '668: col. 13, Ins. 9-15; col. 2, Ins. 65-67; col. 3, Ins. 5-8);
- (Claim 44) the components comprise at least one self-installable package, further comprising:
 - o obtaining the at least one self-installable package (Slivka '688: col. 13, Ins. 6-8); and

- installing the at least one self-installable package per instructions encoded therein (Slivka '688: col. 13, Ins. 27-37).
- (Claim 49) the components further comprise at least one file, further comprising: obtaining the at least one file; and installing the at least one self-installable package per instructions stored in a pre-determined entry (Slivka '668: col. 13, Ins. 38-45; col. 14, Ins. 15-42 – note the Media Directive File reads on installation instructions; further note the directory specification for setup.exe, i.e. the setup executable).
- (Claim 53) the distributed computing environment is TCP/IP-compliant (Slivka '668: col. 6, Ins. 26-28).

Claims 45-48:

Regarding Claims 45-48, Slivka '688, Meyerson '619 and Apfel, in combination disclose all the limitations of Claim 44 (supra). Additionally, Slivka '688, Meyerson '619 and Apfel, in combination disclose:

- (Claim 45) the components further comprise at least one file dependent on the at least one self-installable package, further comprising: obtaining the at least one file subsequent to installing the at least one self-installable package; and installing the at least one self-installable package per instructions stored in a pre-determined entry (Slivka '668: col. 13, Ins. 38-45; col. 14, Ins. 15-42 – note the Media Directive File reads on installation instructions; further note the directory specification for setup.exe, i.e. the setup executable).

- (Claim 46) negotiating a non-secure session prior to obtaining the at least one self-installable package (Slivka '668: col. 2, Ins. 54-55 – note that an immediate download and installation i.e. without taking time to negotiate a secure session, implies the user agreed to a non-secure session).
- (Claim 47) at least one of authenticating and decrypting the at least one self-installable package prior to installing the at least one self-installable package (Slivka '668: col. 13, Ins. 16-26 – note that in an SSD exchange, the client reverifies the transmitted package).
- (Claim 48) the instructions comprise an executable installation program plus one or more files to be installed (Slivka '668: col. 13, Ins. 38-45 – note the Media Directive File controls the installation of the additional files).

Claims 50-51:

Regarding Claims 50-51, Slivka '688, Meyerson '619 and Apfel, in combination disclose all the limitations of Claim 49 (supra). Additionally, Slivka '688, Meyerson '619 and Apfel, in combination disclose:

- (Claim 50) negotiating a secure session prior to obtaining the at least one self-installable package (Slivka '668: col. 13, Ins. 9-15; col. 2, Ins. 65-67; col. 3, Ins. 5-8);
- (Claim 51) the pre-determined entry comprise a file information subdirectory identifying installation instructions (Slivka '668: col. 13, Ins. 38-45; col. 14, Ins. 15-42 – note the Media Directive File reads on installation instructions; further note the directory specification for setup.exe, i.e. the setup executable).

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Claim 54:

Regarding Claim 54, Slivka '688, Meyerson '619 and Apfel, in combination disclose all the limitations of Claims 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 53 (supra). Additionally, Slivka '688, Meyerson '619 and Apfel, in combination disclose: a computer-readable storage medium holding code for performing the method according to Claims 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, and 53 (Slivka '668: col. 19, Ins. 59-61). Slivka '668 does not disclose all the limitations of Claim 43, however Examiner notes Claim 54 was written in the alternative, thus Claim 54 with respect to Claim 43 need not be addressed.

4. Claims 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka '668, Meyerson '619 and Apfel, as applied to claims 1 and 12 above, and further in view of U.S. Patent No. 5,978,912 issued to Rakavy et al. (hereafter Rakavy '912).

Claims 3 and 14:

Regarding Claims 3 and 14, Slivka '668, Meyerson '619 and Apfel, in combination disclose all the limitations of Claims 1 and 12 (supra). However, Slivka '668, Meyerson '619 and Apfel, in combination do not explicitly disclose: (Claims 3 and 14) a network operations center installing an initial set of installable components on each network appliance during a bootstrap configuration.

Rakavy '912 discloses: a network operations center installing an initial set of installable components on each network appliance during a bootstrap configuration (Rakavy '912: col. 4, Ins. 4-14).

It would have been obvious to a person having ordinary skill in the art to apply the remote bootstrap of Rakavy '912 to the Slivka '668, Meyerson '619 and Apfel combination. The motivation to combine is suggested by Rakavy '912 which discloses the advantage that remote machines such as those of the Slivka '668, Meyerson '619 and Apfel combination, will be easier to administer, and further that diagnosing system failures will be enabled since the machines may be booted remotely independent of the operating system (Rakavy '912: col. 3, Ins. 12-48).

5. Claims 24-26, 29-38, 43, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka '668 in view Meyerson '619 and Apfel as applied to claim 1 above, and further in view of the publication "Understanding UPnP (TM): A Whitepaper" June 2000, published by the UPnP (TM) Forum (hereafter UPnP '00).

Claim 24:

Regarding Claim 24, Slivka '668, Meyerson '619 and Apfel, in combination disclose each and every element of claim 24 (see claim 1 above) except:

- the status report was from a status daemon "operating autonomously on the one such network appliance."

UPnP '00 discloses the well-known Universal Plug and Play (TM) network management system which provides functionality for network clients to automatically notify other network entities of status, services, and other properties. Specifically, UPnP '00 discloses status reporting accomplished via a status daemon (UPnP '00: pp. 10-11, Section titled, "Devices" and Section titled, "Services" – note that a UPnP (TM) enabled

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device contains a UPnP (TM) "device" which is a software container that exposes services and nested UPnP (TM) devices via UPnP (TM) protocols, and as such reads on a status daemon).

It would have been obvious to a person having ordinary skill in the art to apply the status daemon of UPnP '00 to the Slivka '668, Meyerson '619 and Apfel combination. The motivation to combine is suggested by UPnP '00 which discloses enabling a device to support UPnP (TM) by adding a UPnP (TM) device to expose services via UPnP (TM) protocols provide the advantage of making that device easier to setup and configure (UPnP '00: p. 1, Section titled, "What is UPnP (TM)?").

Claims 25-26 and 29:

Regarding Claim 25-26 and 29, Slivka '668, UPnP '00, Apfel and Meyerson '619 in combination disclose all the limitations of Claim 24 (supra). Additionally, Slivka '668, UPnP '00, Apfel and Meyerson '619 in combination disclose:

- (Claim 25) a network operations center negotiating a secure connection with the one such network appliance (Slivka '668: col. 13, Ins. 9-15; col. 2, Ins. 65-67; col. 3, Ins. 5-8);
- (Claim 26) an initial plug-in executed on the one such network appliance (Slivka '668: See Steps 62-66); and
- (Claim 29) the components comprise at least one self-installable package, further comprising: an installer obtaining the at least one self-installable package and installing the at least one self-installable package per instructions encoded therein (Slivka '668: col. 13, Ins. 6-8; col. 13, Ins. 27-37).

Claims 30-34, 37-38:

Regarding Claims 30-34, 37-38, Slivka '688, UPnP '00, Apfel and Meyerson '619 in combination disclose all the limitations of Claim 29 (supra). Additionally, Slivka '688, UPnP '00, Apfel and Meyerson '619 in combination disclose:

- (Claim 30) the components further comprise at least one file dependent on the at least one self-installable package, further comprising: an installer obtaining the at least one file subsequent to installing the at least one self-installable package and installing the at least one self-installable package per instructions stored in a pre-determined entry (Slivka '668: col. 13, Ins. 38-45; col. 14, Ins. 15-42 – note the Media Directive File reads on installation instructions; further note the directory specification for setup.exe, i.e. the setup executable);
- (Claim 31) a component server negotiating a non-secure session prior to obtaining the at least one self-installable package (Slivka '668: col. 2, Ins. 54-55 – note that an immediate download and installation i.e. without taking time to negotiate a secure session, implies the user agreed to a non-secure session);
- (Claim 32) a crypto module at least one of authenticating and decrypting the at least one self-installable package prior to installing the at least one self-installable package (Slivka '688: col. 13, Ins. 6-8; col. 13, Ins. 27-37);
- (Claim 33) the instructions comprise an executable installation program plus one or more files to be installed (Slivka '688: col. 13, Ins. 6-8; col. 13, Ins. 27-37 – note the files comprising the installation read on at least one file);

- (Claim 34) the components further comprise at least one file, further comprising:
an installer obtaining the at least one file and installing the at least one self-installable package per instructions stored in a pre-determined entry (Slivka '668: col. 13, Ins. 38-45; col. 14, Ins. 15-42 – note the Media Directive File reads on installation instructions; further note the directory specification for setup.exe, i.e. the setup executable);
- (Claim 37) at least one such network appliance performs one of electronic mail anti-virus scanning, content filtering, packet routing, and file, Web and print servicing (UPnP '00: p. 1, Section titled, "What is UPnP (TM)?" – note the references to "printing and imaging" as well as "proximity networks"; generally speaking UPnP (TM) enables an arbitrary network appliance);
- (Claim 38) the distributed computing environment is TCP/IP-compliant (Slivka '668: col. 6, Ins. 26-28).

Claims 35-36:

Regarding Claims 35-36, Slivka '688, UPnP '00, Apfel and Meyerson '619 in combination disclose all the limitations of Claim 34 (supra). Additionally, Slivka '688, UPnP '00, Apfel and Meyerson '619 in combination disclose:

- (Claim 35) a component server negotiating a secure session prior to obtaining the at least one self-installable package (Slivka '668: col. 13, Ins. 9-15; col. 2, Ins. 65-67; col. 3, Ins. 5-8);
- (Claim 36) the pre-determined entry comprise a file information subdirectory identifying installation instructions (Slivka '668: col. 13, Ins. 38-45; col. 14, Ins.

15-42 – note the Media Directive File reads on installation instructions; further note the directory specification for setup.exe, i.e. the setup executable).

Claim 43:

Regarding Claim 43, Slivka '668, Meyerson '619 and Apfel disclose all the limitations of Claim 39 (supra). However, Slivka '668, Meyerson '619 and Apfel do not explicitly disclose: broadcasting a query message to each such network appliance to trigger a status report.

UPnP '00 discloses: broadcasting a query message to each such network appliance to trigger a status report (UPnP '00: p. 11, Section titled, "Control Points" – note that on a UPnP (TM) enabled system, a network operations center would have a UPnP (TM) control point, which provides the capability of querying UPnP (TM) devices for status reports).

It would have been obvious to a person having ordinary skill in the art to apply UPnP '00 to the invention of Slivka '668, Meyerson '619 and Apfel combination. The motivation to combine is suggested by UPnP '00. Specifically, UPnP '00 discloses the well-known Universal Plug and Play (TM) network management system which provides functionality for network clients to automatically notify other network entities of status, services, and other properties. Specifically, UPnP '00 discloses status reporting accomplished via a status daemon (UPnP '00: pp. 10-11, Section titled, "Devices" and Section titled, "Services" – note that a UPnP (TM) enabled device contains a UPnP (TM) "device" which is a software container that exposes services and nested UPnP (TM) devices via UPnP (TM) protocols, and as such reads on a status daemon).

Claim 52:

Regarding Claim 52, Slivka '668, Meyerson '619 and Apfel, in combination disclose all the limitations of Claim 39 (supra). However, Slivka '668, Meyerson '619 and Apfel do not explicitly disclose the network appliances perform at least one such network appliance performs one of electronic mail anti-virus scanning, content filtering, packet routing, and file, Web and print servicing.

UPnP '00 discloses the network appliances perform at least one such network appliance performs one of electronic mail anti-virus scanning, content filtering, packet routing, and file, Web and print servicing (UPnP '00: p. 1, Section titled, "What is UPnP (TM)?" – note the references to "printing and imaging" as well as "proximity networks"; generally speaking UPnP (TM) enables an arbitrary network appliance).

It would have been obvious to a person having ordinary skill in the art to combine network appliance variations of UPnP '00 with the Slivka '668, Meyerson '619 and Apfel combination. The motivation to combine is on the same basis as Claim 43 (supra).

Response to Arguments

6. Applicants' arguments with respect to claims 1-26, 29-40 and 43-54 have been considered but are moot in view of the new ground(s) of rejection.

Referring to applicants' remarks on page 12 regarding the subject matter of an initial plug-in and a post-plug-in: Applicants argued that none of the references in combination disclosed execution of an initial plug-in prior to sending the status report to

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monitor the status daemon, and execution of a post-plug-in after installing the installable components.

The examiner disagrees for the following reasons: Upon further consideration, the examiner has determined that Slivka '688 does in fact describe the initial plug-in and post-plug-in at the described times and for the described purposes, in the context of the combination (i.e. with the daemon as opposed to Slivka's non-autonomous program).

The remainder of applicants' arguments are moot in view of the new grounds of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 571-272-4020. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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bdg
31 October 2005



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